THE HON'BLE SRI JUSTICE C.V.NAGARJUNA REDDY

WRIT PETITION NO.9726 OF 1998

Between:

Zahoor Ahamed
…….Petitioner

Vs.

The General Manager, Singareni Colleries Company Limited,
Ramagundam Area-1, Karimnagar District and another
…….Respondents.

O R D E R:

This writ petition is filed for a writ of Mandamus to declare the action of the respondents in not absorbing the petitioner as Fitter, though his services are extracted as such from 1987.

The petitioner holds a substantive post of Tyndal. However, from the year 1987, he was made to discharge the duties of Fitter in Relay 'D'. Consequent to the retirement of one Dastagir, who is a regular Fitter in C.S.P.I., on attaining the age of superannuation on 13.07.1996, the respondents issued proceedings, dated 14.07.1996 whereby the petitioner was informed that he was shifted from Relay 'D' to Relay 'C'.

The grievance of the petitioner is that though he is made to discharge the duties as Fitter continuously from the year 1987, he is not absorbed in the post of Fitter.

The respondents filed a counter affidavit, wherein it is *inter alia*, stated that for a person to be regularized in the post of Fitter, there should not only be a clear cut vacancy, but also the candidate should possess the I.T.I Fitter Certificate qualification. It is also stated that vide settlement, dated 03.03.1989, this requirement of having I.T.I qualification is prescribed. It is therefore stated that since the petitioner does not admittedly possess the I.T.I Fitter Certificate, he is not entitled to be absorbed as Fitter.

Heard Sri A.K.Jaya Prakasha Rao, learned counsel for the petitioner and Mis.V.Umadevi, learned counsel for the respondents.

The petitioner does not dispute that the settlement, which came into effect from the year 1989 with effect from 03.03.1989, prescribed holding of I.T.I Fitter Certificate for a person to be regularized as Fitter. It is also not in dispute that the petitioner does not hold the said Certificate. I am therefore, of the view that the petitioner who approached this Court much after coming into force of the settlement, dated 03.03.1989, is not entitled to be absorbed/regularised in the post of Fitter as he does not hold the aforementioned qualification.

For the aforementioned reasons, the writ petition does not survive and is devoid of any merit and is therefore, dismissed. No order as to costs.

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C.V.NAGARJUNA REDDY J.,

Dt.27.06.2007

tjs